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**PROVIDING FOR THE CONVEYANCE OF LANDS
TO CERTAIN INDIVIDUALS IN STONE COUNTY, AR**

HEARING
BEFORE THE
SUBCOMMITTEE ON
PUBLIC LANDS, NATIONAL PARKS AND FORESTS
OF THE
COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE
ONE HUNDRED FIRST CONGRESS

SECOND SESSION

ON

S. 2680

TO PROVIDE FOR THE RELIEF OF CERTAIN PERSONS IN STONE
COUNTY, AR, DEPRIVED OF PROPERTY AS A RESULT OF A 1973 DE-
PENDENT RESURVEY BY THE BUREAU OF LAND MANAGEMENT

JUNE 21, 1990



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(III)

PROVIDING FOR THE CONVEYANCE OF LANDS TO CERTAIN INDIVIDUALS IN STONE COUNTY, ARKANSAS

THURSDAY, JUNE 21, 1990

U.S. SENATE,
SUBCOMMITTEE ON PUBLIC LANDS,
NATIONAL PARKS AND FORESTS,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:04 p.m., in room SD-366, Dirksen Senate Office Building, Hon. Dale Bumpers, presiding.

OPENING STATEMENT OF HON. DALE BUMPERS, U.S. SENATOR FROM ARKANSAS

Senator BUMPERS. The purpose of this afternoon's hearing is to receive testimony on S. 2680, legislation which I have introduced to resolve a dispute in my state involving a Forest Service landline survey and several adjacent landowners. I am hopeful that we can enact this legislation expeditiously and put to rest what has become a very difficult and contentious issue.

In 1973, the Bureau of Land Management conducted a dependent survey of a portion of township 15 north, range 12 west, in Stone County, Arkansas for the Ozark National Forest. During the preparation of this survey, the BLM found what it believed to be evidence of the original Government Land Office survey conducted in 1890.

This evidence in the form of a remnant of the original Government Land Office corner at the northeast corner of section 12 was located approximately 200 feet from the monument set years before by several private surveyors. It is these earlier private surveys as well as a 1935 survey conducted by the Forest Service that have been used by the Forest Service and private landowners to mark their respective boundaries in this area for over almost 60 years.

In reality, however, the problem really goes back much further. In an April 27 letter to one of the affected landowners regarding this situation, the Department of Agriculture stated,

To compound the problem, it appears that even though public domain lands in this area were reserved for national forest purposes in 1908, no attempt was made by the United States to locate the original survey corners. The existing property boundaries were accepted as the line between Federal and private lands without further survey. Also, when the Forest Service marked the landlines several decades later, they again relied on the established lines on the ground. They did not take the time to mark the landlines in the Fifty-Six community correctly, nor did they

not apply the expertise to properly locate the Federal-private property lines before marking them.

The situation with which we are now confronted is that beginning late last year, the Forest Service, using the 1973 BLM dependent resurvey, finally began to mark its official property lines based on that BLM survey. As a result of this survey, the Forest Service has identified what they consider to be several encroachments on Forest land by adjoining private landowners. As you might imagine, most of the individual property owners affected by this new survey do not consider themselves encroaching on the Forest Service or anybody else.

Incidentally, a good way to get killed up there is to say they are encroaching.

Many of these people and their predecessors and ancestors have lived on and used this land for over 70 years. In many instances, generations of the same family have occupied these properties, made improvements, grown crops and raised livestock. Now after all these years, these people are being told that this land doesn't belong to them and that under existing law the only remedy available to most of them is to purchase the land from the government at its current fair market value. In my view, this is not an acceptable solution.

I want to state for the record that the Forest Service personnel involved in the situation in Arkansas recognize that this is a problem. The supervisor of the Ozark National Forest, Lynn Neff, and his staff have been very helpful to my staff and me in seeking a solution to this problem that is both fair to the individuals involved and the government.

Under existing law, however, the Forest Service options are most likely limited to conveying these lands for fair market value. So the legislation I have introduced would authorize and direct the Secretary of Agriculture to convey these disputed lands to the owners of the adjacent property without further consideration if the claimants comply with certain requirements specified in the legislation. Under the circumstances, I think this is only a fair solution.

Now with that, let me say that what I said a moment ago I said in jest, but in visiting those people I found very quickly that the thing they do resent most is when the Forest Service says they are encroaching because they feel that it is the Forest Service that has encroached.

With that, we are pleased to have Mr. Larry Henson, Associate Deputy Chief of the Forest Service; and Mr. John Moeller, Deputy Assistant Director of the Bureau of Land Management.

Gentlemen, if you will come up, and we will take your testimony. Larry, your name is first on the list, so why not

[The text of S. 2680 follows:]

101ST CONGRESS
2D SESSION

S. 2680

To provide for the relief of certain persons in Stone County, Arkansas, deprived of property as a result of a 1973 dependent resurvey by the Bureau of Land Management.

IN THE SENATE OF THE UNITED STATES

MAY 23 (legislative day, APRIL 18), 1990

Mr. BUMPERS introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To provide for the relief of certain persons in Stone County, Arkansas, deprived of property as a result of a 1973 dependent resurvey by the Bureau of Land Management.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That—

4 (a) IN GENERAL.—Notwithstanding any other provision
5 of law, the Secretary of Agriculture (hereinafter in this Act
6 referred to as the “Secretary”) is authorized and directed to
7 convey, without consideration, all right, title, and interest of
8 the United States in and to certain lands in Stone County,
9 Arkansas, to any person claiming to have been deprived by

1 the United States of title to such land (hereinafter in this Act
2 referred to as the "claimant"), provided the Secretary deter-
3 mines that such claimant satisfies the conditions set forth in
4 subsections (b) and (c).

5 (b) CONDITIONS OF CONVEYANCE.—Lands shall be
6 conveyed by the Secretary only to claimants owning real
7 property located adjacent to National Forest System lands in
8 Stone County, Arkansas, and only for claims arising as a
9 result of—

10 (1) the dependent resurvey conducted by the
11 Bureau of Land Management (hereinafter in this Act
12 referred to as the "BLM") of a portion of township 15
13 north, range 12 west, Stone County, Arkansas, as exe-
14 cuted by the BLM in 1973; or

15 (2) subsequent Forest Service surveys based on
16 the BLM resurvey referred to in paragraph (1).

17 (c) DOCUMENTATION REQUIRED.—(1) Any application
18 by a claimant for conveyance of title shall be accompanied by
19 a description of the land to be conveyed, information relating
20 to the claim of ownership of such land, proof of the claimant's
21 residential or agricultural use of such land, and such other
22 information as the Secretary may require.

23 (2) Such application must be submitted to the Secretary
24 not later than two years after the date of enactment of this
25 Act.

**STATEMENT OF LARRY HENSON, ASSOCIATE DEPUTY CHIEF,
FOREST SERVICE, DEPARTMENT OF AGRICULTURE, ACCOMPANIED BY GORDON SMALL, LAND INSPECTOR, WASHINGTON OFFICE**

Mr. HENSON. Thank you, Mr. Chairman. I will not repeat the history of the situation because you have already presented it. I would ask that my prepared statement be made part of the record. The Secretary of Agriculture is authorized under the Small Tracts Act, to sell, exchange, or interchange National Forest System lands that are unintentionally encroached upon by improvements occupied and used by people who thought they had title to the land. However, the Small Tracts Act requires payment by the private landowners for the appraised value of the land conveyed.

This bill is needed to convey lands to the private landowners for no consideration. We support the purpose of this legislation. We would like to see this problem resolved. We are concerned about the language of the bill, however. This bill could be more specific in describing the affected property, the owners who are entitled to relief, and the process to be followed in providing that relief.

The bill should also describe the process by which the adjustments will be accomplished, including the Forest Service responsibility to provide for a survey and a monument and to mark the lands to be conveyed.

Mr. Chairman, we are committed to conveying the affected lands to our neighbors in Fifty-Six, Arkansas for no consideration and resolving the Forest Service boundary question. We appreciate your assistance in resolving this problem. We recommend that the attached substitute bill be enacted in lieu of S. 2680.

We would be pleased to respond to your questions.

[The prepared statement of Mr. Henson follows:]

STATEMENT OF
LARRY HENSON, ASSOCIATE DEPUTY CHIEF
FOREST SERVICE
UNITED STATES DEPARTMENT OF AGRICULTURE

Before the
Subcommittee on Public Lands, National Parks and Forests
Committee on Energy and Natural Resources
United States Senate

Concerning S. 2680, a bill to convey Federal lands to persons
in Stone County, Arkansas

June 21, 1990

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

Thank you for the opportunity to offer our views on S. 2680, a bill to convey Federal lands to persons in Stone County, Arkansas.

The bill would authorize and direct the Secretary of Agriculture to convey approximately 48 acres of land to 25 private landowners adjacent to the Ozark National Forest in the town of Fifty-Six, Arkansas. This would resolve boundary issues between Federal and private lands caused by erroneous surveys conducted between 1829 and 1975. We support the purpose of this legislation, but we have serious concerns about the language of the bill as written.

The problem that S. 2680 seeks to correct has a long history. The original surveys were performed in the Fifty-Six area by the Government Land Office (GLO) in 1829. After the surveys were completed, the United States transferred some lands to private individuals under the various laws for disposition of the public domain.

Under the Land Survey Ordinance of 1785, the original Government Land surveys were the basis of describing the location of Federal lands and the location of original United States patents disposing of the land into private ownership.

The 1829 survey corners were monumented with wooden corner posts and bearing trees. A subsequent survey by the Forest Service in 1935 did not locate any original evidence of the GLO survey in certain sections, and relied on monuments set by private surveyors. In 1960, the Forest Service again attempted to mark its boundaries and continued to rely on monuments set by private surveyors.

In 1975, the Bureau of Land Management (BLM) completed a dependent resurvey of sections 1-12, T.15N., R.12W., 5th principal meridian, for the Ozark National Forest. The BLM surveyor found the original GLO corner at the southwest corner of section 12 approximately 200 feet from the monuments set by private surveyors.

Under the Small Tracts Act, the Secretary of Agriculture is authorized to sell, exchange, or interchange National Forest System lands encroached upon by improvements that are occupied and used by people who thought they had title to the land. However, the Small Tracts Act requires payment by the private landowners for the appraised value of the land conveyed.

S. 2860 addresses a special case. Legislation is needed to convey lands to the private landowners for no consideration.

The title of the bill as introduced states that certain persons in Stone County, Arkansas, have been deprived of property. This is not the case. While the boundaries of their properties are in question, the Forest Service has taken no action to remove them from the lands. The language of the bill also states that the resurvey conducted by the Bureau of Land Management in 1975 was in error. The BLM dependent resurvey is accepted by all parties -- private and Federal alike.

The bill should be more specific in describing the affected property, the owners who are entitled to relief, and the process to be followed in granting that relief.

The bill should also describe the process by which the adjustments will be accomplished, including the Forest Service responsibility to provide for a survey and to monument and mark the lands to be conveyed.

Mr. Chairman, we are committed to conveying the affected lands to our neighbors in Fifty-Six for no consideration and resolving the Forest Service boundary question. We recommend that the attached substitute bill be enacted in lieu of S. 2680.

I would be pleased to respond to your questions.

SUPPLEMENTAL STATEMENT
UNITED STATES DEPARTMENT OF AGRICULTURE

A Bill in the Nature of A Substitute for S. 2680

To convey certain Federal lands to persons in Stone County, Arkansas, and for other purposes.

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND PURPOSES.

(a) Findings. -- The Congress finds and declares that --

(1) Certain landowners in Stone County, Arkansas, who own property adjacent to the Ozark National Forest, are adversely affected by certain erroneous surveys;

(2) These landowners have occupied and/or improved these lands in good faith and relied on erroneous surveys of their properties that they believed were accurate; and

(3) The Bureau of Land Management dependent resurvey of the Ozark National Forest in 1975 correctly established accurate boundaries between the Forest and private lands.

(b) Purpose. -- It is the purpose of this Act to authorize and direct the Secretary of Agriculture to make adjustments to the property boundaries of the Ozark National Forest and to convey to the claimants certain lands in the Ozark National Forest.

SECTION 2. CONVEYANCE

(a) Notwithstanding any other provision of law, and upon proper application from claimants of affected lands described in Section 3 herein, the Secretary of Agriculture is authorized and directed to convey, to such claimants, without consideration, all right, title, and interest of the United States in and to the affected lands described in Section 3(a).

(b) Claimants shall, within two years of the date of enactment of this Act, notify the Secretary of Agriculture through the Forest Supervisor of the Ozark National Forest in writing of their claim to affected lands. Each claim shall be accompanied by:

- (1) a description of the affected lands being claimed;
- (2) information relating to the claim of ownership of such land; and
- (3) such other information as the Secretary of Agriculture may require.

(c) The Secretary of Agriculture shall issue a quitclaim deed to each claimant for the affected lands upon the Secretary's determination that such issuance is consistent with the purpose and requirements of this Act. The Secretary shall include in each such quitclaim deed any terms, covenants, and reservations the Secretary deems necessary to protect the public resources of the Ozark National Forest. Prior to the issuance of such quitclaim deeds the Secretary shall ensure that the parcels to be conveyed:

(1) have been surveyed in accordance with the Memorandum of Understanding, dated November 11, 1989, between the Forest Service and the Bureau of Land Management; and

(2) all new property lines established by such surveys have been monumented and marked.

(d) The Secretary of Agriculture shall submit to the Secretary of the Interior an authenticated copy of each deed issued pursuant to this Act no later than 30 days after such issuance.

SECTION 3. DEFINITIONS

For the purposes of this Act --

(a) "affected lands" are National Forest lands located in Stone County, Arkansas, in Sections 1, 2, 3, 9, 10, 11, and 12, T.15N., R.12W., 5th principal meridian, as described by the dependent resurvey by the Bureau of Land Management conducted in 1975 and subsequent Forest Service land line location surveys, including all adjacent parcels where the property line as identified by the 1975 BLM dependent resurvey and National Forest boundary lines before the 1975 BLM dependent resurvey are not coincident.

Senator BUMPERS. Well, Larry, I had a whole host of questions, but since you are on my side I will forgo asking those questions.

Let me say that in our legislation there is no pride of authorship. Let us look over your suggested substitutes. I feel quite sure that we will be able to accommodate any concerns you have on that. We do want it to be a nice, clean transfer so that their grandchildren never have to face this problem in the future. I appreciate very much your testimony.

STATEMENT OF JOHN J. MOELLER, DEPUTY ASSISTANT DIRECTOR, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

Mr. MOELLER. Thank you, Mr. Chairman. I will not go through the history of the situation, either. This does involve a case in which BLM conducted field work in 1972 and 1973 and officially approved the dependent resurvey on March 17, 1975.

In cases that are the basis of this legislation, the landowners had apparently relied on erroneous survey corners that were established by private surveyors. This situation became apparent to the BLM in our 1975 dependent resurvey and subsequent marking of the boundaries by the Forest Service that were based on that resurvey.

The reliance of the landowners on the private surveys led them to believe that they own lands which in fact belong to the Federal Government. It was not the dependent resurvey that caused the problem. We have concerns about the language in the bill, including the title. That infers that the dependent resurvey was the cause of the problem being addressed.

In addition, we believe that the dependent resurvey should not be the basis for relief.

We also question the provision in section 1(b)(2) which would authorize the conveyance of the lands if the Secretary of Agriculture determines that the landowners' claims are a result of subsequent Forest Service surveys based on the 1975 resurvey. We are not aware that the Forest Service had conducted an official survey based on that 1975 resurvey.

Congress has given the Federal boundary survey authority only to the BLM, which maintains all official records of public land boundary surveys. Giving that authority to other agencies can cause problems because we cannot include in the records as official surveys any surveys which are not approved by BLM as having been conducted in accordance with established criteria.

BLM and the Forest Service, however, do have an existing memorandum of agreement which allows surveys and resurveys to be executed by the Forest Service and approved by BLM.

As I mentioned earlier, the title of the bill is misleading because the dependent resurvey did not deprive any landowners of the land. The dependent resurvey delineates the correct boundaries between privately owned land and the public lands administered by the Forest Service.

We have no objection to the approach that is used in the substitute bill by the Forest Service because we feel that it clarifies the matters that are discussed in our statement, and we would support

working with the Forest Service and the committee on the language in that substitute bill.

This concludes my statement. I also have support with me in the event that we have additional questions that you would like us to answer.

[The prepared statement of Mr. Moeller follows:]

JUN 21 1990

STATEMENT OF JOHN J. MOELLER, DEPUTY ASSISTANT DIRECTOR, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS, COMMITTEE ON ENERGY AND NATURAL RESOURCES, UNITED STATES SENATE, ON S. 2680, A BILL "TO PROVIDE FOR THE RELIEF OF CERTAIN PERSONS IN STONE COUNTY, ARKANSAS, DEPRIVED OF PROPERTY AS A RESULT OF A 1973 DEPENDENT RESURVEY BY THE BUREAU OF LAND MANAGEMENT."

I appreciate the opportunity to appear here today to present the Department's views on S. 2680.

This bill would require the Secretary of Agriculture to convey, without consideration, certain lands in Stone County, Arkansas, to persons who claim they were deprived of that land by a dependent resurvey by the Bureau of Land Management (BLM).

We defer to the Forest Service on the merits of the bill.

A summary of the bill is attached to this statement.

S. 2680 involves a case in which the BLM conducted field work in 1972 and 1973, and officially approved the dependent resurvey on March 17, 1975. That is the correct resurvey of the lands.

In the cases that are the basis of this legislation, the landowners apparently relied on erroneous survey corners established by private surveyors. This situation became apparent by the BLM 1975 dependent resurvey and subsequent marking of its boundaries by the Forest Service based on that resurvey. The reliance of the landowners on the private surveys led them to believe that

they owned the land which, in fact, belongs to the Federal Government. It was not the dependent resurvey of the Bureau of Land Management that caused the problem. We object to language in the bill, including the title, that infers that the dependent resurvey was the cause of the problem being addressed. In addition, it should not be the basis for relief.

We question the provision in section 1(b)(2) which would authorize the conveyance of those lands if the Secretary determines that the landowners' claims are a result of subsequent Forest Service surveys based on the 1975 BLM resurvey. We are not aware that the Forest Service conducted an official survey based on BLM's 1975 resurvey. Congress has given Federal boundary survey authority only to the BLM which maintains all official records of public land boundary surveys. Giving that authority to other agencies can cause problems because we cannot include in those records, as official surveys, any surveys which are not approved by the BLM as having been conducted in accordance with established criteria.

The BLM and the Forest Service have an existing Memorandum of Agreement which allows surveys and resurveys to be executed by the Forest Service and approved by BLM.

As I mentioned earlier, the title of the bill is misleading because the dependent resurvey did not deprive any landowners of their land. The dependent resurvey delineates the correct boundaries between privately owned land and public land administered by the Forest Service.

We understand a substitute bill will be offered by the Forest Service. We have no objection to this approach since it clarifies the matters discussed in our statement.

This concludes my statement. I will be pleased to answer questions.

SUMMARY OF S. 2680

S. 2680, notwithstanding any other provision of law, would direct the Secretary of Agriculture to convey, without consideration, all right, title, and interest of the United States in and to certain lands in Stone County, Arkansas, to any person claiming to have been deprived of title to such land by the United States. However, conveyance would be authorized only if the Secretary determines that the claimant satisfies the following conditions:

- o Claimant owns real property adjacent to National Forest System lands in Stone County, Arkansas;
- o Claim is a result of (1) the dependent resurvey conducted by the Bureau of Land Management of a portion of township 15 north, range 12 west, Stone County, Arkansas, as executed by the BLM in 1973; or (2) subsequent Forest Service surveys based on the 1973 BLM resurvey; and
- o Claimant submits to the Secretary, not later than 2 years after enactment of this Act, an application for conveyance of title. The application would have to be accompanied by a description of the land to be conveyed, information relating to the claim of ownership of such land, proof of the claimant's residential or agricultural use of such land, and such other information as the Secretary may require.

Senator BUMPERS. Thank you very much, Mr. Moelier.

Larry, I do have maybe one or two questions. You state that my bill states that the resurvey conducted by the BLM was in error, but I do not find that in my bill. Where did you get that?

Mr. HENSON. Let me find that reference, Senator.

Senator BUMPERS. I believe that, but I did not put it in the bill. [Pause.]

Mr. HENSON. It is the title of the bill.

Senator BUMPERS. Yes, I am sorry. You are right. I did have that.

Mr. HENSON. It is the same concern that BLM has expressed.

Senator BUMPERS. Yes.

Could you give me some examples of the kinds of reservations about which you are talking?

Mr. HENSON. Do you mean our bill as it is written?

Senator BUMPERS. Just a minute.

In your suggested draft, section 2, subsection (3)(c), you say the Secretary shall include in such quitclaim deed any terms, covenants and reservations the Secretary deems necessary to protect the public resources of the national forest.

Can you think of any kind of reservation?

Mr. HENSON. I am going to ask my technical people for some help with this question. I believe we mean minerals, roads, power lines, rights-of-way—improvements that are on the land currently.

I will ask Gordon Small to help me answer this question. Gordon Small is the Director of Lands in the Washington office.

Senator BUMPERS. Actually, what we are trying to do is to restore the status quo of the last 60 years under which everybody lived happily.

Mr. SMALL. That's correct. The reservation language is meant to protect which situations out there where there are existing power lines that serve the local area and which cross national forest system land which may be under permit to power companies. The language is also meant to protect other types of uses, such as existing roads under permits or other easements. We want to protect those rights and keep them intact when we make the transition.

Senator BUMPERS. Do you know of any particular situations like that, or is that just boilerplate language about which you are talking?

Mr. SMALL. It is boilerplate language, but I know there are power lines and roads in that area. Whether they actually cross some of those tracts, I do not know.

Senator BUMPERS. Nothing has happened up there. I am trying to figure out, if we quitclaim the interest of the government in this property up there to these people, whatever improvements are there are going to stay there.

Mr. SMALL. That is correct.

Senator BUMPERS. Whatever power line might be running across that property would remain there.

Mr. SMALL. Exactly. We would use the reservation language to protect a right granted through a license or a permit. If we did not protect that right, then a power line might be on private land without any authorization to be there. It is a technical point, but the Rural Electrification Agency, I am sure, would like to have their right-of-way protected.

Senator BUMPERS. I am going to ask you to put that in writing to me. Would you do that?

Mr. SMALL. I would be glad to.

Senator BUMPERS. Let me look at it.

Mr. SMALL. Okay.

Mr. MOELLER. The additional reservation the BLM would like to have considered is the reservation of mineral rights. Frequently that is done in transfers of title. This area is in an oil and gas province. Although there are no leases on the lands, there is the possibility in the future of potential oil and gas leases.

Senator BUMPERS. I would consider that to be probably a very serious reservation for these people. We will just have to deal with that at the markup session. I am not sure I would want to go along with that.

Mr. HENSON. Our intent, Senator, is to convey the land to those people. That is our goal.

Mr. SMALL. Nothing would change as a result of using the reservation language. It would just keep everything in place and protect the rights of the people who have those power lines, telephone lines, or rights-of-way.

We will send you some backup information.

Senator BUMPERS. Please do that.

There is another problem, and I do not know whether we want to get into it because I am not sure there is anything we can do about it. One of the problems is what effect the identification of new section corners in this area will have on those landowners not located adjacent to the national forest lines. In other words, what effect is this resurvey going to have on people other than those whose land adjoins the forest? Any?

Mr. SMALL. It pretty well depends on the individuals. You know, they may be very happy with the situation as it is, and they may do nothing at all; or they may choose to go in and enter into boundary agreements, which I believe would be the appropriate thing for the individuals to do. They could have boundary agreements between themselves and settle that problem.

Senator BUMPERS. I think most of these property lines up there are established under State law. I think this resolves itself under Arkansas State law. Seven years adverse possession and seven years consecutive payment of taxes on the property is all it takes to claim ownership. Now those boundaries, as I say, have been established between those people and the Forest Service, but it has also been established between them and their neighbors for the last 60 years. I think these people and all their neighbors would just continue to recognize that line. They may want to have a new survey made because it might slightly change the description in their deed, but it would not change each person's right to the property that they have assumed for the last 60 years that they owned.

Am I making my point on that? I do not think this is a problem. God knows, this is complicated enough. I do not want to get into it, frankly. I think when new surveys are made up there and they recognize these new corners, that could cause all kinds of havoc. My problem is between these people and the Forest Service, and I do not want to take on any extra burdens.

Gentlemen, thank you very much. We will leave the record open for a couple of days in case we think of something we may want to ask you. I thank you very much, and I certainly thank you for your cooperation in trying to resolve a really sticky problem for us up there.

Mr. HENSON. We appreciate your help in solving this problem, because it has been a problem.

Senator BUMPERS. Thank you. I know Lynn Neff wants to get this resolved very badly. He has a good rapport with those people.

Thank you again. We will adjourn.

[Whereupon, at 2:23 p.m., the hearing was adjourned.]

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